

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

**SECURITIES AND EXCHANGE
COMMISSION,**

Plaintiff,

v.

**JULIAN T. TZOLOV and
ERIC S. BUTLER,**

Defendants.

08 Civ. 7699 (SAS)

AMENDED NOTICE OF MOTION

PLEASE TAKE NOTICE that, upon the Declaration of Eric M. Schmidt and the exhibits annexed thereto, the memorandum of law in support of plaintiff's motion for summary judgment, and the Statement of Undisputed Facts Pursuant to Local Civil Rule 56.1, which were all filed on July 13, 2010, plaintiff Securities and Exchange Commission ("Commission") shall move this Court at the United States Courthouse, Southern District of New York, 40 Centre Street, New York, New York 10007-1581, for an Order: (1) granting summary judgment pursuant to Rule 56 of the Federal Rules of Civil Procedure against defendant Eric S. Butler; and (2) permanently enjoining Butler from future violations of Section 17(a) of the Securities Act of 1933 and Section 10(b) of the Securities Exchange Act of 1933 and Rule 10b-5 thereunder.

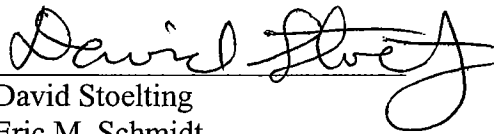
PLEASE TAKE FURTHER NOTICE that the Commission's motion for summary judgment does not ask the Court to impose the monetary relief sought in the Complaint (disgorgement of Butler's ill-gotten gains and prejudgment interest thereon and civil monetary penalties) as the Commission reserves its right to seek this relief following the resolution of Butler's appeal of his conviction in the parallel criminal case.

PLEASE TAKE FURTHER NOTICE that all papers to be submitted in opposition to this motion must be served upon the Commission and filed no later than August 3, 2010. Reply papers shall be served and filed by the Commission on or before August 20, 2010.

Dated: July 14, 2010
New York, New York

Respectfully Submitted,

SECURITIES AND EXCHANGE COMMISSION

A handwritten signature in cursive script, appearing to read "David Stoelting", is written over a horizontal line.

David Stoelting
Eric M. Schmidt
New York Regional Office
3 World Financial Center
New York, New York 10281
(212) 336-0174
Attorneys for Plaintiff